

R E M A R K S

Claims 3 to 18 as set forth in Appendix II of this paper are now pending in this case. Claim 2 has been canceled and Claims 3, 4 and 14 have been amended, as indicated in the Listing of Claims set forth in Appendix I of this paper.

Accordingly, Claim 14 has been amended to read on the subject matter of Claim 2, and Claims 3 and 4 have been revised accordingly. No new matter has been added.

The Examiner has rejected Claims 5 to 18 under 35 U.S.C. §102(a), (b) and (e) as being anticipated by the teaching of either one of *Beestman* (US 5,569,639) or *Hacker et al.* (US 5,599,769). It is respectfully requested that the rejection be withdrawn since applicants have amended Claim 14 to read on the subject matter defined in Claim 2. Claims 5 to 13 and 15 to 18 depend, either directly or indirectly, upon Claim 14 and therefore incorporate the limitations of Claim 14 by reference<sup>1</sup>). Favorable action is solicited.

The Examiner has rejected Claims 2 to 18 under 35 U.S.C. §103(a) as being unpatentable in light of the combined teachings of *Beestman* and *Hacker et al.*

To render a claimed invention *prima facie* obvious within the meaning of Section 103(a) a reference or a combination of references has to meet three basic criteria:

- (1) the reference or the combined references must teach or suggest all of the claim limitations<sup>2</sup>);
- (2) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings<sup>3</sup>), and

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1) If an independent claim is non-obvious under 35 U.S.C. §103, then any claim depending therefrom is non-obvious (*In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (CAFC 1988)), and anticipation is the ultimate or epitome of obviousness (*In re Grose*, 592 F.2d 1161, 201 USPQ 57 (CCPA 1979)).

2) *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974); *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970); *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (CAFC 1988).

3) There are three possible sources for motivation to combine references: the nature of the problem to be solved, the teachings of the prior art, and the knowledge of a person of ordinary skill in the art (*In re Rouffet*, 149 F.3d 1350, 1357, 47 USPQ2d 1453, 1457-1458 (CAFC 1998)).

(3) there must be a reasonable expectation of success.

Additionally, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art<sup>4)</sup>.

Applicants' invention relates to a composition comprising at least one of the certain sulfonylurea compounds which are represented by formula (I) as set forth in Claim 14 in combination with at least one of the particular herbicidal compounds specified in Claim 14 as constituent (b). Additionally, applicants' invention requires that the constituents (a) and (b) of the composition are present in synergistically effective amounts<sup>5)</sup>.

The teaching of *Beestman* relates to a process for preparing a agricultural composition which is dry and flowable and which is specifically adapted for the application of glyphosate alone or in combination with a sulfonylurea herbicide<sup>6)</sup>. *Beestman's* disclosure merely addresses that the particular process results in a granulate composition which is free flowing, non-caking and which exhibit only a low attrition<sup>7)</sup>. *Beestman's* disclosure does not deal with effects which result when the combination of glyphosate and a sulfonylurea herbicide is applied as a herbicide, and neither suggests nor implies that synergistic herbicidal effects result from an application of the combination. Moreover, the disclosure of *Beestman* contains nothing which would guide a person of ordinary skill in the art to specifically select the particular sulfonylurea compounds which are encompassed by applicants' formula (I).

The teaching of *Hacker et al.* relates to a herbicidal composition comprising

- (a) glyphosinate (represented by formula (A1)) and/or glyphosate (represented by formula (A2)), and
- (b) a particular sulfonylurea herbicide of formula (B),

and *Hacker et al.* further state that some substances when applied with glyphosinate or glyphosate result in synergistically enhanced

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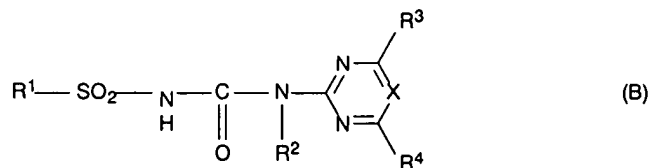
4) *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438, 1442 (CAFC 1991)

5) Applicants herewith submit a Declaration of Dr. Zagar (dated November 07, 2003) which illustrates the synergistic herbicidal effects which result when a sulfonylurea (I) is combined with glyphosate.

6) For example col. 1, indicated lines 10 to 14, and col. 1, indicated line 48, to col. 2, indicated line 16, of *US 5,569,639*.

7) For example col. 1, indicated lines 41 to 47, of *US 5,569,639*.

herbicidal effects<sup>8)</sup>. In accordance with claim 8 of *Hacker et al.*<sup>9)</sup>, the substances which provide for synergistically enhanced herbicidal effects in combination with glyphosate are sulfonylureas of formula (B)



wherein R<sup>1</sup> is selected from the group consisting of 2-ethoxyphenoxy, 2-propoxyphenoxy, 2-isopropoxyphenoxy, 3-(dimethylaminocarbonyl)pyridin-2-yl, 3-[N-(C<sub>1</sub>-C<sub>4</sub>-alkyl)-N-(C<sub>1</sub>-C<sub>4</sub>-alkylsulfonyl)amino]pyridin-2-yl and (N-methyl-N-methylsulfonyl)aminosulfonyl. The substances which provide for synergistically enhanced herbicidal effects in combination with glyphosinate are sulfonylureas of formula (B) which carry as R<sup>1</sup> a radical selected from the group consisting of 3-(dimethylaminocarbonyl)pyridin-2-yl, 3-ethylsulfonylpyridin-2-yl and 3-[N-(C<sub>1</sub>-C<sub>4</sub>-alkyl)-N-(C<sub>1</sub>-C<sub>4</sub>-alkylsulfonyl)amino]pyridin-2-yl<sup>10)</sup>.

The sulfonylureas which are represented by applicants' formula (I) differ structurally considerably from the sulfonylurea compounds which, in accordance with the teaching of *Hacker et al.*, provide for synergistic herbicidal effects, and the disclosure of *Hacker et al.* contains nothing which would motivate a person of ordinary skill in the art to modify the structure of *Hacker et al.*'s synergistic co-constituents in the manner which is necessary to arrive at the structure represented by applicants' formula (I).

The disclosure of *Beestman* fails to close, or even narrow, this gap since *Beestman* is not concerned with effects which arise when the combination is applied as a herbicide. A person of ordinary skill therefore finds no information in the teaching of *Beestman* which is pertinent to structural modifications of sulfonylurea herbicides which are possible without affecting the synergistically enhanced herbicidal effects of a combination preparation comprising the sulfonylurea and glyphosate or glyphosinate.

When considered in combination, the disclosures of *Beestman* and of *Hacker et al.* fall short from teaching or suggesting all of the

8) For example col. 1, indicated line 37, to col. 2, indicated line 11, in conjunction with col. 1, indicated lines 33 to 36, of *US 5,599,769*.

9) Col. 12, indicated lines 27 to 55, of *US 5,599,769*.

10) Claim 1, col. 11, indicated lines 20 to 48, of *US 5,599,769*.

limitations which characterize applicants invention since neither one of those references teaches or suggests the particular structural features which characterize applicants' sulfonylureas of formula (I), or provides a suggestion or motivation to modify the sulfonylureas in the manner which is necessary to arrive at applicants' formula (I). Moreover, the combined teachings of *Beestman* and *Hacker et al.* fail to provide for a reasonable expectation that a synergistically enhanced herbicidal effect will result when the structure of the particular sulfonylureas of *Hacker et al.* is modified. Accordingly, the combined teachings of *Beestman* and *Hacker et al.* fail to meet the three basic criteria for establishing a case of obviousness within the meaning of Section 103(a). Favorable reconsideration of the Examiner's position and withdrawal of the rejection under Section 103(a) is therefore respectfully solicited.

REQUEST FOR EXTENSION OF TIME:

It is respectfully requested that a three month extension of time be granted in this case. A check for the \$950.00 fee is attached.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit Account No. 11.0345. Please credit any excess fees to such deposit account.

Respectfully submitted,

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Encl.: THE LISTING OF CLAIMS (Appendix I)

THE AMENDED CLAIMS (Appendix II)

Dr. Zagar's Declaration dated November 07, 2003

HBK/BAS

## A P P E N D I X I:

THE LISTING OF CLAIMS (version with markings):

1. (canceled)
2. (canceled)
3. (currently amended) The herbicidal composition defined in claim 14, comprising the sulfonylurea of formula I wherein
 

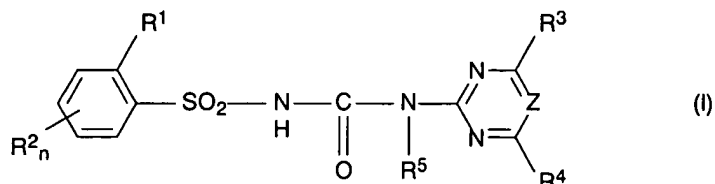
$R^1$  is [~~halogen~~],  $CO_2CH_3$ ,  $CO_2C_2H_5$ ,  $CO_2iC_3H_7$ ,  $CF_3$ , [a-group- $ER^6$ ,  $CO_2R^8$ ],  $OSO_2CH_3$ ,  $OSO_2N(CH_3)_2$ ,  $Cl$ ,  $SO_2CH_3$ , [or]  $SO_2C_2H_5$  and  $N(CH_3)SO_2CH_3$ ,  
 $R^2$  is hydrogen, and  
 $R^3$  is [~~F~~ or]  $CF_3$ , [~~7~~]  
~~[ $R^4$  is  $OCF_3$ ,  $OCF_2Cl$  or  $OCH_3$ , and]~~  
~~[ $R^5$  is hydrogen]~~
4. (currently amended) The herbicidal composition defined in claim 14, comprising the sulfonylurea of formula I wherein
 

$R^1$  is  $CF_3$ ,  
 $R^2$  is hydrogen,  
 $R^3$  is  $CF_3$ ,  
~~[ $R^4$  is  $OCH_3$ ]~~  
~~[ $R^5$  is hydrogen]~~ and  
 $Z$  is N.
5. (previously submitted) The herbicidal composition defined in claim 14, wherein the herbicidal compound (b) is selected from the group consisting of  
 glufosinate-ammonium, glyphosate, sulfosate, mefenacet, phenmedipham, thiobencarb, quinclorac, quinmerac, acetochlor, alachlor, butachlor, metazachlor, metolachlor, pretilachlor, butoxydim, clethodim, cloproxydim, sethoxydim, tralkoxydim, caloxydim, 2-{1-[2-(4-chlorophenoxy)propyloxyimino]butyl}-3-hydroxy-5-(2H-tetrahydrothiopyran-3-yl)-2-cyclohexen-1-one, pendimethalin, acifluorfen-sodium, bifenox, fluoroglycofen-ethyl, fomesafen, lactofen, imazaquin, imazethabenzmethyl, imazethapyr, pyridate, clopyralid, bispyribac-sodium, KIH-8555, KUH-920, flumetsulam, metosulam, benazolin, benfuresate, cafenstrole and cinmethylin.

6. (*currently submitted*) The herbicidal composition defined in claim 14, wherein the herbicidal compound (b) is selected from the group consisting of  
glufosinate-ammonium, glyphosate, sulfosate, phenmedipham, thio-bencarb, quinclorac, caloxydim, sethoxydim, 2-{1-[2-(4-chlorophenoxy)propyloxyimino]butyl}-3-hydroxy-5-(2H-tetrahydrothiopyran-3-yl)-2-cyclohexen-1-one, acifluorfen-sodium and fluoroglycofen-ethyl.
7. (*previously submitted*) The herbicidal composition defined in claim 14, comprising the sulfonylurea (a) and the one or more herbicidal compounds (b) in a weight ratio of 1:0.1 to 1:40.
8. (*previously submitted*) The herbicidal composition defined in claim 14, comprising the sulfonylurea (a) and the one or more herbicidal compounds (b) in a weight ratio of 1:0.1 to 1:20.
9. (*previously submitted*) A herbicidal composition comprising
  - a) a herbicidally active amount, on a sulfonylurea of formula I as defined in claim 14,
  - b) a synergistically active amount of at least one of the herbicidal compounds (b) defined in claim 14,at least one liquid or solid carrier and optionally at least one adjuvant.
10. (*previously submitted*) The herbicidal composition defined in claim 9, wherein the sulfonylurea (a) and one or more of the herbicidally compounds (b) are present in a weight ratio of 1:0.1 to 1:40.
11. (*previously submitted*) The herbicidal composition defined in claim 9, wherein the sulfonylurea (a) and one or more of the herbicidally compounds (b) are present in a weight ratio of 1:0.1 to 1:40.
12. (*previously submitted*) A method of controlling undesirable vegetation, which comprises applying the sulfonylurea (a) defined in claim 14 and one or more of the herbicidal compounds (b) defined in claim 14 before, during or after the emergence of undesirable plants, either simultaneously or in succession.
13. (*previously submitted*) A method of controlling undesirable vegetation, which comprises treating the leaves of crop plants and of undesired plants with the sulfonylurea (a) defined in claim 14 and one or more of the herbicidal compounds (b) defined in claim 14, either simultaneously or in succession.

14. (currently amended) A herbicidal composition comprising

a) at least one sulfonylurea of the formula I



wherein

$R^1$  is [ ~~$C_1$ - $C_6$  alkyl which carries one to five of the following groups: methoxy, ethoxy,  $SO_2CH_3$ , cyano, chlorine, fluorine,  $SCH_3$ ,  $S(O)CH_3$ ,  $CO_2CH_3$ ,  $CO_2C_2H_5$ ,  $CO_2iC_3H_7$ ,  $CF_3$ ,  $CF_2H$ ,  $CH_2CF_3$ ,  $CF_2CF_3$ ,  $OSO_2CH_3$ ,  $OSO_2N(CH_3)_2$ ,  $Cl$ ,  $NO_2$ ,  $SO_2N(CH_3)_2$ ,  $SO_2CH_3$ ,  $SO_2C_2H_5$  and  $N(CH_3)SO_2CH_3$ ;~~

~~[halogen, a group  $ER^6$  where  $E$  is  $O$ ,  $S$  or  $NR^7$ ,  $COOR^8$ ,  $NO_2$ ,  $S(O)_2R^9$ ,  $SO_2NR^{10}R^{11}$ ,  $CONR^{10}R^{11}$ ];~~

$R^2$  is hydrogen, [ ~~$C_1$ - $C_4$  alkyl,  $C_2$ - $C_4$  alkenyl,  $C_2$ - $C_4$  alkynyl,~~ halogen, [ ~~$C_1$ - $C_4$  alkoxy,  $C_1$ - $C_4$  haloalkoxy,  $C_1$ - $C_4$  haloalkyl,  $C_1$ - $C_2$  alkylsulfonyl, nitro, cyano or  $C_1$ - $C_4$  alkylthio]~~ or methyl];

$R^3$  is [ ~~$F$~~ ]  $CF_3$ , [ ~~$CF_2Cl$~~ ]  $CF_2H$ ,  $OCF_3$ ,  $OCF_2Cl$ , or, if  $R^1$  is  $CO_2CH_3$  and  $R^2$  is simultaneously fluorine,  $R^3$  is  $Cl$ , or, if  $R^1$  is  $CH_2CF_3$  or  $CF_2CF_3$ ,  $R^3$  is methyl; [~~or~~] [~~if  $R^4$  is  $OCF_3$  or  $OCF_2Cl$ ,  $R^3$  is  $OCF_2H$  or  $OCF_2Br$ ]~~]

$R^4$  is [ ~~$C_1$ - $C_2$  alkoxy,  $C_1$ - $C_2$  alkyl,  $C_1$ - $C_2$  alkylthio,  $C_1$ - $C_2$  alkylamino, di- $C_1$ - $C_2$  alkylamino, halogen,  $C_1$ - $C_2$  haloalkyl,  $C_1$ - $C_2$  haloalkoxy,~~  $OCH_3$ ;

$R^5$  is hydrogen[~~,  $C_1$ - $C_2$  alkoxy,  $C_1$ - $C_4$  alkyl~~];

[ ~~$R^6$  is  $C_1$ - $C_4$  alkyl,  $C_2$ - $C_4$  alkenyl,  $C_2$ - $C_4$  alkynyl or  $C_3$ - $C_6$  cycloalkyl, where these groups may carry 1 to 5 halogen atoms, with the exception of allyl, difluoromethoxy, chlorodifluoromethoxy and 2-chloroethoxy when  $E$  is  $O$  or  $S$ , or in the event that  $E$  is  $O$  or  $NR^7$ ,  $R^6$  is furthermore methylsulfonyl, ethylsulfonyl, trifluoromethylsulfonyl, allylsulfonyl, propargylsulfonyl or dimethylsulfamoyl,~~]

[ ~~$R^7$  is hydrogen, methyl or ethyl,~~]

[ ~~$R^8$  is  $C_1$ - $C_6$  alkyl, which may carry up to three of the following radicals: halogen,  $C_1$ - $C_4$  alkoxy,  $C_1$ - $C_4$  alkylthio,  $C_1$ - $C_4$  haloal-~~

~~koxyl, C<sub>1</sub>-C<sub>4</sub>-alkoxy C<sub>1</sub>-C<sub>4</sub>-alkoxy, C<sub>3</sub>-C<sub>7</sub>-cycloalkyl and/or phenyl, C<sub>3</sub>-C<sub>7</sub>-cycloalkyl which may carry up to three C<sub>1</sub>-C<sub>4</sub>-alkyl groups, C<sub>3</sub>-C<sub>6</sub>-alkenyl or C<sub>3</sub>-C<sub>6</sub>-alkynyl,]~~

~~[R<sup>9</sup> is C<sub>1</sub>-C<sub>6</sub>-alkyl, which may carry up to three of the following radicals: halogen, C<sub>1</sub>-C<sub>4</sub>-alkoxy, C<sub>1</sub>-C<sub>4</sub>-alkylthio, C<sub>1</sub>-C<sub>4</sub>-haloalkoxy, C<sub>1</sub>-C<sub>4</sub>-alkoxy C<sub>1</sub>-C<sub>4</sub>-alkoxy, C<sub>3</sub>-C<sub>7</sub>-cycloalkyl and/or phenyl, C<sub>3</sub>-C<sub>7</sub>-cycloalkyl which may carry up to three C<sub>1</sub>-C<sub>4</sub>-alkyl groups, C<sub>3</sub>-C<sub>6</sub>-alkenyl or C<sub>3</sub>-C<sub>6</sub>-alkynyl,]~~

~~[R<sup>10</sup> is hydrogen, C<sub>1</sub>-C<sub>2</sub>-alkoxy, C<sub>1</sub>-C<sub>6</sub>-alkyl, or together with R<sup>11</sup> is a C<sub>4</sub>-C<sub>6</sub>-alkylene chain in which one methylene group may be replaced by an oxygen atom or a C<sub>1</sub>-C<sub>4</sub>-alkylimino group,]~~

~~[R<sup>11</sup> is C<sub>1</sub>-C<sub>4</sub>-alkyl which may carry one to four halogen or C<sub>1</sub>-C<sub>4</sub>-alkoxy radicals, C<sub>3</sub>-C<sub>6</sub>-cycloalkyl,]~~

n is 0 - 3;

~~[e is 1 or 2,]~~

Z is N or CH,

or an environmentally compatible salt of I, and

b) at least one herbicidal compound selected from groups b<sub>1</sub>, b<sub>3</sub> to b<sub>5</sub>, b<sub>10</sub> to b<sub>20</sub>, b<sub>22</sub> to b<sub>25</sub>, b<sub>28</sub>, b<sub>29</sub>, b<sub>31</sub> to b<sub>35</sub> and b<sub>38</sub> to b<sub>41</sub>:

b<sub>1</sub>) 1,3,4-thiadiazoles: buthidazole and cyprazole;

b<sub>3</sub>) aminophosphoric acids: bilanafos, bialaphos, buminafos, glufosinate-ammonium, glyphosate and sulfosate;

b<sub>4</sub>) aminotriazoles: amitrol;

b<sub>5</sub>) anilides: anilofos and mefenacet;

b<sub>10</sub>) carbamates: asulam, barban, butylate, carbetamid, chlorbufam, chlorpropham, cycloate, desmedipham, di-allate, EPTC, esprocarb, molinate, orbencarb, pebulate, phenisopham, phenmedipham, propham, prosulfocarb, pyributicarb, sulf-allate (CDEC), terbucarb, thiobencarb (benthicarb), tiocarbazil, tri-allate and vernolate;

b<sub>11</sub>) quinolinecarboxylic acids: quinclorac and quinmerac;

b<sub>12</sub>) chloracetanilides: acetochlor,alachlor, butachlor, butenachlor, diethatyl-ethyl, dimethachlor, metazachlor, metolachlor, pretilachlor, propachlor, prynachlor, terbuchlor, thenylchlor and xylachlor;



- b<sub>13</sub>) cyclohexenones: alloxymid, caloxymid, clethomid, cloproxydim, cycloxydim, sethoxymid, tralkoxymid and 2-{1-[2-(4-chlorophenoxy)propyloxyimino]butyl}-3-hydroxy-5-(2H-tetrahydrothiopyran-3-yl)-2-cyclohexen-1-one;
- b<sub>14</sub>) dichloropropionic acids: dalapon;
- b<sub>15</sub>) dihydrobenzofurans: ethofumesate;
- b<sub>16</sub>) dihydrofuran-3-ones: flurtamone;
- b<sub>17</sub>) dinitroanilines: benefin, butralin, dinitramin, ethalf-luralin, fluchloralin, isopropalin, nitratin, oryzalin, pendimethalin, prodiamine, profluralin and trifluralin;
- b<sub>18</sub>) dinitrophenols: bromofenoxim, dinoseb, dinoseb-acetat, dinoterb and DNOC;
- b<sub>19</sub>) diphenyl ethers: acifluorfen-sodium, aclonifen, chlornitrofen (CNP), difenoxuron, ethoxyfen, fluorodifen, fluoroglycofen-ethyl, fomesafen, furyloxyfen, lactofen, nitrofen, nitrofluorfen and oxyfluorfen;
- b<sub>20</sub>) dipyridylenes: cyperquat, difenzoquat methylsulfate, diquat and paraquat dichloride;
- b<sub>22</sub>) imidazoles: isocarbamid;
- b<sub>23</sub>) imidazolinones: imazamethapyr, imazapyr, imazaquin, imazethabenzmethyl (imazame) and imazethapyr;
- b<sub>24</sub>) oxadiazoles: methazole, oxadiargyl and oxadiazon;
- b<sub>25</sub>) oxiranes: tridiphane;
- b<sub>28</sub>) phenylacetic acids: chlorfenac (fenac);
- b<sub>29</sub>) phenylpropionic acid: chlorophenprop-methyl;
- b<sub>31</sub>) pyrazoles: nipyraclufen;
- b<sub>32</sub>) pyridazines: chloridazon, maleic hydrazide, norflurazon and pyridate;
- b<sub>33</sub>) pyridinecarboxylic acids: clopyralid, dithiopyr, picloram and thiazopyr;
- b<sub>34</sub>) pyrimidyl ethers: pyriithiobac acid, pyriithiobac sodium, KIH-2023 and KIH-6127;
- b<sub>35</sub>) sulfonamides: flumetsulam and metosulam;
- b<sub>38</sub>) triazinones: ethiozin, metamitron and metribuzin;
- b<sub>39</sub>) triazolecarboxamides: triazofenamid;
- b<sub>40</sub>) uracils: bromacil, lenacil and terbacil;

b<sub>41</sub>) others: benazolin, benfuresate, bensulfide, benzofluor, butamifos, cafenstrole, chlorthal-dimethyl (DCPA), cinmethylin, dichlobenil, endothall, fluorbentranil, mefluidide, perfluidone and piperophos,

or an environmentally compatible salt of the herbicidal compound,

in a synergistically active amount.

15. (previously submitted) The composition defined in claim 14, wherein component b) is at least one compound selected from the group consisting of

b<sub>3</sub>) aminophosphoric acids: bilanafos, bialaphos, buminafos, glufosinate-ammonium, glyphosate, sulfosate;

b<sub>13</sub>) cyclohexenones: alloxydim, caloxydim, clethodim, cloproxydim, cycloxydim, sethoxydim, tralkoxydim, 2-{1-[2-(4-chlorophenoxy)propyloxyimino]butyl}-3-hydroxy-5-(2H-tetrahydrothiopyran-3-yl)-2-cyclohexen-1-one;

b<sub>17</sub>) dinitroanilines: benefin, butralin, dinitramin, ethalfluralin, fluchloralin, isopropalin, nitralin, oryzalin, pendimethalin, prodiamine, profluralin, trifluralin;

b<sub>23</sub>) imidazolinones: imazamethapyr, imazapyr, imazaquin, imazethabenzmethyl (imazame) and imazethapyr.

16. (previously submitted) The composition defined in claim 14, wherein component b) is at least one compound selected from the group consisting of

glufosinate-ammonium, glyphosate, sulfosate, butroxydim, clethodim, cloproxydim, sethoxydim, tralkoxydim, caloxydim, 2-{1-[2-(4-chlorophenoxy)propyloxyimino]butyl}-3-hydroxy-5-(2H-tetrahydrothiopyran-3-yl)-2-cyclohexen-1-one, pendimethalin, imazaquin, imazethabenzmethyl and imazethapyr.

17. (previously submitted) The composition defined in claim 14, wherein component b) is at least one compound selected from the group consisting of

glufosinate-ammonium, glyphosate, sulfosate, caloxydim, sethoxydim, 2-{1-[2-(4-chlorophenoxy)propyloxyimino]butyl}-3-hydroxy-5-(2H-tetrahydrothiopyran-3-yl)-2-cyclohexen-1-one, acifluorfen-sodium and fluoroglycofen-ethyl.

18. (previously submitted) The composition defined in claim 14, wherein component b) is at least one compound selected from the group consisting of

glufosinate-ammonium, glyphosate, sulfosate, alloxydim, caloxydim, clethodim, cloproxydim, cycloxydim, sethoxydim, tralkoxydim and  
2-{1-[2-(4-chlorophenoxy)propyloxyimino]butyl}-3-hydroxy-5-(2H-tetrahydrothiopyran-3-yl)-2-cyclohexen-1-one.

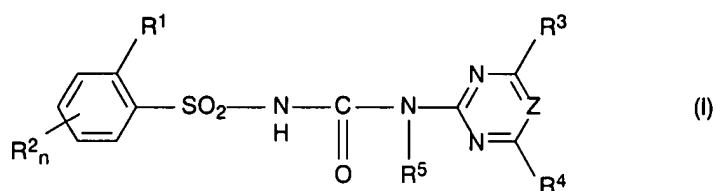
## A P P E N D I X II:

THE AMENDED CLAIMS (clean version):

1. (canceled)
2. (canceled)
3. (currently amended) The herbicidal composition defined in claim 14, comprising the sulfonylurea of formula I wherein  
R<sup>1</sup> is CO<sub>2</sub>CH<sub>3</sub>, CO<sub>2</sub>C<sub>2</sub>H<sub>5</sub>, CO<sub>2</sub>iC<sub>3</sub>H<sub>7</sub>, CF<sub>3</sub>, OSO<sub>2</sub>CH<sub>3</sub>, OSO<sub>2</sub>N(CH<sub>3</sub>)<sub>2</sub>, Cl, SO<sub>2</sub>CH<sub>3</sub>, SO<sub>2</sub>C<sub>2</sub>H<sub>5</sub> and N(CH<sub>3</sub>)SO<sub>2</sub>CH<sub>3</sub>,  
R<sup>2</sup> is hydrogen, and  
R<sup>3</sup> is CF<sub>3</sub>.
4. (currently amended) The herbicidal composition defined in claim 14, comprising the sulfonylurea of formula I wherein  
R<sup>1</sup> is CF<sub>3</sub>,  
R<sup>2</sup> is hydrogen,  
R<sup>3</sup> is CF<sub>3</sub>, and  
Z is N.
5. (previously submitted) The herbicidal composition defined in claim 14, wherein the herbicidal compound (b) is selected from the group consisting of  
glufosinate-ammonium, glyphosate, sulfosate, mefenacet, phenmedipham, thiobencarb, quinclorac, quinmerac, acetochlor, alachlor, butachlor, metazachlor, metolachlor, pretilachlor, butroxydim, clethodim, cloproxydim, sethoxydim, tralkoxydim, caloxydim, 2-{1-[2-(4-chlorophenoxy)propyloxyimino]butyl}-3-hydroxy-5-(2H-tetrahydrothiopyran-3-yl)-2-cyclohexen-1-one, pendimethalin, acifluorfen-sodium, bifenox, fluoroglycofen-ethyl, fomesafen, lactofen, imazaquin, imazethabenzmethyl, imazethapyr, pyridate, clopyralid, bispyribac-sodium, KIH-8555, KUH-920, flumetsulam, metosulam, benazolin, benfuresate, cafenstrole and cinmethylin.
6. (currently submitted) The herbicidal composition defined in claim 14, wherein the herbicidal compound (b) is selected from the group consisting of  
glufosinate-ammonium, glyphosate, sulfosate, phenmedipham, thiobencarb, quinclorac, caloxydim, sethoxydim, 2-{1-[2-(4-chlorophenoxy)propyloxyimino]butyl}-3-hydroxy-5-(2H-

tetrahydrothiopyran-3-yl)-2-cyclohexen-1-one, acifluorfen-sodium and fluoroglycofen-ethyl.

7. *(previously submitted)* The herbicidal composition defined in claim 14, comprising the sulfonylurea (a) and the one or more herbicidal compounds (b) in a weight ratio of 1:0.1 to 1:40.
8. *(previously submitted)* The herbicidal composition defined in claim 14, comprising the sulfonylurea (a) and the one or more herbicidal compounds (b) in a weight ratio of 1:0.1 to 1:20.
9. *(previously submitted)* A herbicidal composition comprising
  - a) a herbicidally active amount on a sulfonylurea of formula I as defined in claim 14,
  - b) a synergistically active amount of at least one of the herbicidal compounds (b) defined in claim 14,at least one liquid or solid carrier and optionally at least one adjuvant.
10. *(previously submitted)* The herbicidal composition defined in claim 9, wherein the sulfonylurea (a) and one or more of the herbicidally compounds (b) are present in a weight ratio of 1:0.1 to 1:40.
11. *(previously submitted)* The herbicidal composition defined in claim 9, wherein the sulfonylurea (a) and one or more of the herbicidally compounds (b) are present in a weight ratio of 1:0.1 to 1:40.
12. *(previously submitted)* A method of controlling undesirable vegetation, which comprises applying the sulfonylurea (a) defined in claim 14 and one or more of the herbicidal compounds (b) defined in claim 14 before, during or after the emergence of undesirable plants, either simultaneously or in succession.
13. *(previously submitted)* A method of controlling undesirable vegetation, which comprises treating the leaves of crop plants and of undesired plants with the sulfonylurea (a) defined in claim 14 and one or more of the herbicidal compounds (b) defined in claim 14, either simultaneously or in succession.
14. *(currently amended)* A herbicidal composition comprising
  - a) at least one sulfonylurea of the formula I



wherein

R<sup>1</sup> is CO<sub>2</sub>CH<sub>3</sub>, CO<sub>2</sub>C<sub>2</sub>H<sub>5</sub>, CO<sub>2</sub>iC<sub>3</sub>H<sub>7</sub>, CF<sub>3</sub>, CF<sub>2</sub>H, CH<sub>2</sub>CF<sub>3</sub>, CF<sub>2</sub>CF<sub>3</sub>, OSO<sub>2</sub>CH<sub>3</sub>, OSO<sub>2</sub>N(CH<sub>3</sub>)<sub>2</sub>, Cl, NO<sub>2</sub>, SO<sub>2</sub>N(CH<sub>3</sub>)<sub>2</sub>, SO<sub>2</sub>CH<sub>3</sub>, SO<sub>2</sub>C<sub>2</sub>H<sub>5</sub> and N(CH<sub>3</sub>)SO<sub>2</sub>CH<sub>3</sub>;

R<sup>2</sup> is hydrogen, halogen, or methyl;

R<sup>3</sup> is CF<sub>3</sub>, CF<sub>2</sub>H, OCF<sub>3</sub>, OCF<sub>2</sub>Cl, or,  
if R<sup>1</sup> is CO<sub>2</sub>CH<sub>3</sub> and R<sup>2</sup> is simultaneously fluorine, R<sup>3</sup> is Cl, or,  
if R<sup>1</sup> is CH<sub>2</sub>CF<sub>3</sub> or CF<sub>2</sub>CF<sub>3</sub>, R<sup>3</sup> is methyl;

R<sup>4</sup> is OCH<sub>3</sub>;

R<sup>5</sup> is hydrogen;

n is 0 - 3;

Z is N or CH,

or an enviromentally compatible salt of I, and

b) at least one herbicidal compound selected from groups b<sub>1</sub>, b<sub>3</sub> to b<sub>5</sub>, b<sub>10</sub> to b<sub>20</sub>, b<sub>22</sub> to b<sub>25</sub>, b<sub>28</sub>, b<sub>29</sub>, b<sub>31</sub> to b<sub>35</sub> and b<sub>38</sub> to b<sub>41</sub>:

b<sub>1</sub>) 1,3,4-thiadiazoles: buthidazole and cyprazole;

b<sub>3</sub>) aminophosphoric acids: bilanafos, bialaphos, buminafos, glufosinate-ammonium, glyphosate and sulfosate;

b<sub>4</sub>) aminotriazoles: amitrol;

b<sub>5</sub>) anilides: anilofos and mefenacet;

b<sub>10</sub>) carbamates: asulam, barban, butylate, carbetamid, chlorbufam, chlorpropham, cycloate, desmedipham, di-allate, EPTC, esprocarb, molinate, orbencarb, pebulate, phenisopham, phenmedipham, propham, prosulfocarb, pyributicarb, sulf-allate (CDEC), terbucarb, thiobencarb (benthicarb), tiocarbazil, tri-allate and vernolate;

b<sub>11</sub>) quinolinecarboxylic acids: quinclorac and quinmerac;

b<sub>12</sub>) chloracetanilides: acetochlor,alachlor, butachlor, butenachlor, diethatyl-ethyl, dimethachlor, metazachlor, metolachlor, pretilachlor, propachlor, prynachlor, terbuchlor, thenylchlor and xylachlor;

- b<sub>13</sub>) cyclohexenones: alloxydim, caloxydim, clethodim, cloproxydim, cycloxydim, sethoxydim, tralkoxydim and 2-{1-[2-(4-chlorophenoxy)propyloxyimino]butyl}-3-hydroxy-5-(2H-tetrahydrothiopyran-3-yl)-2-cyclohexen-1-one;
- b<sub>14</sub>) dichloropropionic acids: dalapon;
- b<sub>15</sub>) dihydrobenzofurans: ethofumesate;
- b<sub>16</sub>) dihydrofuran-3-ones: flurtamone;
- b<sub>17</sub>) dinitroanilines: benefin, butralin, dinitramin, ethalf-luralin, fluchloralin, isopropalin, nitralin, oryzalin, pendimethalin, prodiamine, profluralin and trifluralin;
- b<sub>18</sub>) dinitrophenols: bromofenoxim, dinoseb, dinoseb-acetat, dinoterb and DNOC;
- b<sub>19</sub>) diphenyl ethers: acifluorfen-sodium, aclonifen, chlornitrofen (CNP), difenoxuron, ethoxyfen, fluorodifen, fluoroglycofen-ethyl, fomesafen, furyloxyfen, lactofen, nitrofen, nitrofluorfen and oxyfluorfen;
- b<sub>20</sub>) dipyridylenes: cyperquat, difenzoquat methylsulfate, diquat and paraquat dichloride;
- b<sub>22</sub>) imidazoles: isocarbamid;
- b<sub>23</sub>) imidazolinones: imazamethapyr, imazapyr, imazaquin, imazethabenzmethyl (imazame) and imazethapyr;
- b<sub>24</sub>) oxadiazoles: methazole, oxadiargyl and oxadiazon;
- b<sub>25</sub>) oxiranes: tridiphane;
- b<sub>28</sub>) phenylacetic acids: chlorfenac (fenac);
- b<sub>29</sub>) phenylpropionic acid: chlorophenprop-methyl;
- b<sub>31</sub>) pyrazoles: nipyraclufen;
- b<sub>32</sub>) pyridazines: chloridazon, maleic hydrazide, norflurazon and pyridate;
- b<sub>33</sub>) pyridinecarboxylic acids: clopyralid, dithiopyr, picloram and thiazopyr;
- b<sub>34</sub>) pyrimidyl ethers: pyriithiobac acid, pyriithiobac sodium, KIH-2023 and KIH-6127;
- b<sub>35</sub>) sulfonamides: flumetsulam and metosulam;
- b<sub>38</sub>) triazinones: ethiozin, metamitron and metribuzin;
- b<sub>39</sub>) triazolecarboxamides: triazofenamid;
- b<sub>40</sub>) uracils: bromacil, lenacil and terbacil;

b<sub>41</sub>) others: benazolin, benfuresate, bensulfide, benzofluor, butamifos, cafenstrole, chlorthal-dimethyl (DCPA), cinmethylin, dichlobenil, endothall, fluorbentranil, mefluidide, perfluidone and piperophos,

or an environmentally compatible salt of the herbicidal compound,

in a synergistically active amount.

15. (previously submitted) The composition defined in claim 14, wherein component b) is at least one compound selected from the group consisting of

b<sub>3</sub>) aminophosphoric acids: bilanafos, bialaphos, buminafos, glufosinate-ammonium, glyphosate, sulfosate;

b<sub>13</sub>) cyclohexenones: alloxydim, caloxydim, clethodim, cloproxydim, cycloxydim, sethoxydim, tralkoxydim, 2-{1-[2-(4-chlorophenoxy)propyloxyimino]butyl}-3-hydroxy-5-(2H-tetrahydrothiopyran-3-yl)-2-cyclohexen-1-one;

b<sub>17</sub>) dinitroanilines: benefin, butralin, dinitramin, ethalfluralin, fluchloralin, isopropalin, nitralin, oryzalin, pendimethalin, prodiamine, profluralin, trifluralin;

b<sub>23</sub>) imidazolinones: imazamethapyr, imazapyr, imazaquin, imazethabenzmethyl (imazame) and imazethapyr.

16. (previously submitted) The composition defined in claim 14, wherein component b) is at least one compound selected from the group consisting of

glufosinate-ammonium, glyphosate, sulfosate, butroxydim, clethodim, cloproxydim, sethoxydim, tralkoxydim, caloxydim, 2-{1-[2-(4-chlorophenoxy)propyloxyimino]butyl}-3-hydroxy-5-(2H-tetrahydrothiopyran-3-yl)-2-cyclohexen-1-one, pendimethalin, imazaquin, imazethabenzmethyl and imazethapyr.

17. (previously submitted) The composition defined in claim 14, wherein component b) is at least one compound selected from the group consisting of

glufosinate-ammonium, glyphosate, sulfosate, caloxydim, sethoxydim, 2-{1-[2-(4-chlorophenoxy)propyloxyimino]butyl}-3-hydroxy-5-(2H-tetrahydrothiopyran-3-yl)-2-cyclohexen-1-one, acifluorfen-sodium and fluoroglycofen-ethyl.



18. (previously submitted) The composition defined in claim 14, wherein component b) is at least one compound selected from the group consisting of

glufosinate-ammonium, glyphosate, sulfosate, alloxydim, caloxydim, clethodim, cloproxydim, cycloxydim, sethoxydim, tralkoxydim and  
2-{1-[2-(4-chlorophenoxy)propyloxyimino]butyl}-3-hydroxy-5-(2H-tetrahydrothiopyran-3-yl)-2-cyclohexen-1-one.